

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO-OAKLAND DIVISION

SIERRA CLUB and SOUTHERN
BORDER COMMUNITIES COALITION,

Plaintiffs,

v.

DONALD J. TRUMP, President of the
United States, in his official capacity; PATRICK
M. SHANAHAN, Acting Secretary of Defense, in
his official capacity; KIRSTJEN M. NIELSEN,
Secretary of Homeland Security, in her official
capacity; and STEVEN MNUCHIN, Secretary of
the Treasury, in his official capacity,

Defendants.

Case No.: 4:19-cv-00892-HSG

**DECLARATION OF KEVIN
BIXBY, EXECUTIVE DIRECTOR,
SOUTHWEST ENVIRONMENTAL
CENTER**

My name is Kevin Bixby and I declare:

1. I am over the age of eighteen, and I am competent to make this declaration. I provide this declaration based upon my personal knowledge. I would testify to the facts in this declaration under oath if called upon to do so.
2. I am the Executive Director and founder of the Southwest Environmental Center in Las Cruces, New Mexico, an organization that forms part of the Southern Border Communities Coalition ("SBCC"). In addition, for over one year I have served on SBCC's Steering Committee, directing and coordinating SBCC's decisions at the organizational level.
3. I founded the Southwest Environmental Center in 1991 to reverse the accelerating loss of plants and animals worldwide through protection and restoration of native wildlife and their habitats in the southwest. The Southwest Environmental Center has approximately 2000 dues-paying members, the majority of whom live in Southern New Mexico. It works statewide in New

Mexico and our campaigns extend into Eastern Arizona and West Texas. For example, for decades we have been actively involved in restoring riparian and aquatic habitats along the Rio Grande in southern New Mexico and west Texas, to create a “string of pearls” of restored and protected habitats up and down this reach.

4. In addition to restoration, our work involves grassroots organizing, public education, and petitioning the government about preservation and restoration. In one such campaign, we are working to restore highly-endangered Mexican wolves to the Southwest in Arizona and New Mexico, including by advocating for the establishment of a Mexican Wolf Center in Grant County, New Mexico. In another, we are fighting to end wildlife killing contests, and are on the cusp of New Mexico outlawing coyote killing contests.

5. The national emergency declaration, and the construction of a border wall using funds that have not been appropriated by Congress, are causing and will continue to cause irreversible damage to Southwest Environmental Center. They also threaten lands that I cherish and have devoted my life to protecting.

6. With the Southwest Environmental Center and in my personal capacity, I have on several occasions traveled the areas threatened with construction, including lands encompassed in so-called “El Paso Project 1” where the Department of Defense will finance Department of Homeland Security construction. Southwest Environmental Center members enjoy these areas for camping, hiking, hunting deer, javelina and quail, and bird watching. I enjoy hiking and camping in these areas, and intend to do so as long as I am able. They are beautiful to me—rolling Chihuahuan desert scrubland, adjacent to several mountain ranges, with arroyos and diverse vegetation creating an undulating landscape. There are several isolated desert hills and peaks that provide unique habitat for different species of plants and animals—they are called sky islands, like islands in a sea of desert. Border wall construction in these areas will harm these lands at a time when communities here are being revitalized around eco-tourism and the attraction of expansive vistas and wildlife viewing.

7. Southwestern New Mexico is one of the most biologically diverse areas of the United States due to the confluence of different biomes and northern and southern wildlife species. The Pentagon's recently-announced plan to seize \$1 billion from military personnel funding and use it to build 57 miles of new border wall, including 46 miles in New Mexico, would culminate in nearly half of New Mexico's international border being walled off. Construction in "El Paso Project 1" will completely wall off Doña Ana County, where we reside, and much of neighboring Luna County. Additional construction in New Mexico, including the threat to wall off the bootheel, would further destroy the environments that Southwest Environmental Center is devoted to protecting and restoring.

8. With Southwest Environmental Center, we frequently visited Southern New Mexico over the last year, seeking in part to learn about the wildlife that lives in the area and to educate the public about it. About one year ago, Southwest Environmental Center installed wildlife cameras in adjacent habitats immediately east of planned construction, for approximately 20 miles west of Santa Teresa, New Mexico (approximately to the point where "El Paso Project 1" begins). Our goal has been to learn and share information about the wildlife that lives in these habitats, often hidden from human view. Our cameras documented the presence of mountain lions, mule deer, coyotes, bobcats, gray foxes, badgers, birds, bats, rabbits, and other species, many of which are too large to pass through bollard-wall construction with its four-inch gaps between bollards.

9. The animals that will be impacted by construction in "El Paso Project 1" include threatened or endangered species. The wall will prevent some endangered species, such as jaguars and ocelots, from reoccupying historic habitat in the U.S. It will prevent genetic exchange between small populations of extremely endangered Mexican wolves on either side of the border. The impact on all species too large to pass will be dire. Some will likely die because they will not be able to reach the food and water resources they need to survive. Wildlife populations on either side of the border will be permanently fragmented and disconnected, and therefore more vulnerable to

catastrophic events like disease as well as the loss of healthy genetic variability. A border wall will also prevent animals from adjusting their range in response to climate change.

10. Because of the emergency declaration and the realized threat of constructing outside of the Rio Grande Valley Border Patrol Sector, the Southwest Environmental Center has been forced to carefully monitor risks to Southwestern lands, including in Texas, New Mexico, and Arizona. We have devoted significant time to identifying the location and timing of construction that will occur without congressional process or approval. For example, upon learning in March that the Secretary of Defense would provide \$1 billion to the Department of Homeland Security to build a wall, I spent two days working with coalitions to discern the location of construction. Upon receiving coordinates, I spent additional hours mapping out where the wall would go—sadly, in our backyard. We have been forced to spend this time in order to protect the land, to organize within SBCC, and to educate Southwest Environmental Center’s members and the public.

11. The Southwest Environmental Center has also been caused to devote resources to answering calls from members, the public, and government officials requesting information about what is happening and what can be done. We are mapping out not only the area identified as “El Paso 1,” but the other areas in the Southwest identified for priority construction in correspondence from the Department of Homeland Security to the Department of Defense. Our Communications Director, Amanda Munro, has begun and will continue creating media kits about the impacts of construction in all 11 of the identified projects. This work takes her away from her other responsibilities, such as our ongoing organizing to protect special places like Otero Mesa, and coordinating efforts to reform wildlife policies in New Mexico and other states.

12. We should honor and protect the lands of the Southwest. The habitats and wildlife that flourish in these lands will be injured, and perhaps forever lost, if a border wall is built. As director of Southwest Environmental Center, and speaking for myself, the consequences of such construction for my work, and the quality of my life as a visitor to these lands, are devastating.

I hereby declare under the penalty of perjury pursuant to the laws of the United States that the above is true and correct to the best of my knowledge.

EXECUTED this 4th day of April, 2019.

A handwritten signature in blue ink, appearing to read "Kevin Bixby". The signature is fluid and cursive, with the first name "Kevin" and last name "Bixby" clearly distinguishable.

Kevin Bixby

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Defendants.

Case No.: 4:19-cv-00892-HSG

**DECLARATION OF AMANDA
MUNRO**

My name is Amanda Munro and I declare:

1. My name is Amanda Munro. I am over 18 years old. The information in this declaration is based on my personal experience and my review of publicly available information. If called as a witness, I could and would testify competently to these facts. Any opinions contained in this declaration reflect my personal opinion and judgment.

2. My primary residence is 1440 S Almendra Street, Las Cruces, New Mexico, 88001.

3. I support the Sierra Club's mission and goals to encourage the public to explore, enjoy, and protect the wild places of the earth; to practice and promote the responsible use of the

earth's ecosystems and resources; to educate and enlist humanity to protect and restore the quality of the natural and human environment; and to use all lawful means to carry out these objectives.

4. I have been a Sierra Club member since 2018.

5. I spent my childhood exploring the forests of rural Northern California, where I grew up catching lizards and climbing trees. My love of animals and the outdoors led me to advocacy on behalf of wildlife and their habitat, currently near the U.S.-Mexico border in New Mexico.

6. After graduating from the University of Portland with a degree in Environmental Ethics & Policy, I moved to Las Cruces, New Mexico in 2017. I currently work for the Southwest Environmental Center, an organization dedicated to both conservation and social justice in New Mexico. In my position, I engage in public education and outreach, generally educating local people about the socially and environmentally destructive effects of a border wall on their community. I love this work because it allows me to enjoy the unique and beautiful desert landscapes along the New Mexico border in what the U.S. Customs and Border Protection (CBP) calls the El Paso Sector.

7. I am particularly passionate about protecting New Mexico wildlife along the border such as pronghorn, bobcats, ocelots, mountain lions, javelina, badgers, mule deer, coatimundis, and bears. All of these species and more would be impacted by a border wall in the El Paso Sector. I personally visit this area numerous times per year in my public education work; but also, I am part of a team that runs a camera monitoring program to document wildlife

occurring in and migrating through this area. This work includes the El Paso Sector where the U.S. Department of Homeland Security's (DHS) Project 1 wall construction would occur.

8. The place I visit most often along the border is on the far eastern side of El Paso Sector Project 1, just south of NM Route 9. My team has a monitoring station there that allows us to capture and analyze wildlife migration patterns.

9. I am extremely concerned that a border wall in this region would be devastating to local wildlife because I care deeply about protecting and maintaining healthy populations of native species. Currently, in some places in this sector, wildlife must navigate vehicle barriers, but that type of fencing allows wildlife to pass through relatively easily. I understand that DHS intends to construct and maintain 18-foot high barrier walls that are impenetrable to wildlife. This new construction would drastically cut off their access to key sources of food and water. The construction process also clears immense amounts of vegetation as this type of work requires heavy machinery and improvements to existing roads. In addition, I understand there would be an increased presence by CBP agents along with increased lighting and upkeep activities – activities all detrimental to wildlife and detrimental to my use and enjoyment of these lands.

10. In the course of my work, I have also become familiar with destructive flooding that occurs after border wall construction. After heavy rains, debris can build up on the wall itself, trapping water and causing deadly flash floods. I am worried about loss of human and animal life along with associated environmental degradation of fragile desert lands.

11. Through my work, I hope to continue to view and enjoy a wide variety of wildlife species along the border, but I am concerned about the destruction of their habitat, especially the

loss of migratory corridors. My love of animals brought me to this unique desert landscape and I fear that a border wall will diminish that happiness and the sense of fulfillment I derive from visiting these beautiful landscapes and viewing local species.

12. During my visits to the border in the El Paso Sector, I am often approached by CBP agents patrolling the area. These encounters leave me feeling anxious because despite these areas being fully open to the public, Border Patrol agents go out of their way to intimidate and make me and other residents feel as if we are trespassing on private property, but we are not. I intend to continue to visit the El Paso Sector area, but I am deeply concerned that if the wall is built, the ever-increasing presence of CBP agents will diminish my future enjoyment of this place.

13. I am aware that President Trump declared a national emergency on February 15, 2019 in order to construct a border wall all along the U.S.-Mexico border. It is my understanding that DHS intends to commence wall construction in the El Paso Sector, Project 1 area in the near future.

14. I am familiar with the litigation filed by the Sierra Club and the Southern Border Communities Coalition which challenges DHS's intent to unlawfully construct a border wall in New Mexico. Based on my deep concerns about the negative environmental impacts associated with border wall construction near New Mexico Route 9 in the El Paso Sector, I strongly support this case. As I understand it, DHS has announced it will commence construction in the El Paso Sector for its Project 1. I have deep concerns about the impacts that border wall construction and maintenance would likely have on native wildlife and plant species, and on my ability to enjoy both during my time near the border.

15. If DHS constructs a wall in New Mexico's El Paso Sector, I would be harmed professionally, aesthetically, and spiritually, as set forth in the previous paragraphs of this declaration. The only way to avoid these injuries is to declare the declaration of a national emergency invalid and enjoin construction of the wall.

Dated: April 4, 2019



Amanda Munro

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Defendants.

Case No.:4:19-cv-00892-HSG

**DECLARATION OF ALBERT DEL
VAL**

My name is Albert Del Val and I declare:

1. I am over 18 years old. The information in this declaration is based on my personal experience and my review of publicly available information.
2. My primary residence is 564 South 7th Avenue, Yuma, Arizona 85364. I have lived at my current address for 2 years, and before that I lived four blocks away.
3. I am a current member of the Sierra Club. I joined the Sierra Club in August 2017.
4. I support the Sierra Club's mission and goals to encourage the public to explore, enjoy, and protect the wild places of the earth; to practice and promote the responsible use of the earth's ecosystems and resources; to educate and enlist humanity to protect and restore the quality of the natural and human environment; and to use all lawful means to carry out these objectives.
5. I am originally from Somerton, a neighboring town within Yuma County. I have spent my entire life in this area and know it well.

6. I have been fishing in the canals along the border between Yuma, Arizona in the U.S. and Baja California in Mexico for more than 50 years. I regularly fish in West Main Canal for small mouth, big mouth, and striped bass. I enjoy the desert landscape and the animals and plants that occur there. As I child I hunted quail and rabbits throughout this region.

7. Increasingly, my ability to fish in the canals, and my enjoyment of spending time there, has been diminished by heightened security along the border. I often get stopped by U.S. Customs and Border Protection (“CBP”) agents patrolling the area, which along with cameras trained on residents, makes me feel uneasy. I am concerned that construction of border wall near the canal, along with increased security, will increase that unease and diminish my enjoyment of this place.

8. I intend to return to the canals for fishing as long as I am able but I am very concerned that the construction and maintenance of the border wall will limit or entirely cut off my access to these fishing spots.

9. I am also concerned about the aesthetic and environmental impacts that border wall construction and upkeep will have on the landscape I have treasured for so many years. I understand the Department of Homeland Security will also install lights that would create artificial light pollution interfering with the desert dark skies my wife and I treasure. I am also concerned that border wall construction and maintenance would harm native cottonwood trees, mesquite trees, and other vegetation surrounding the border, as well as the wildlife that depends on this habitat.

10. I worry the wall would be incredibly ugly and detract from the natural environment I grew up with. I regularly drive along the levee road. When I view previous wall projects they feel ominous and oppressive to me, diminishing the pleasures I have felt all my life in this desert landscape.

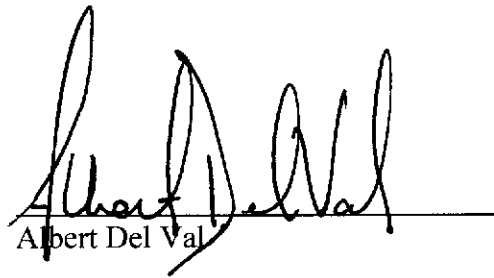
11. It is my understanding that wall construction would occur near West Main Canal and the levee road because it is located in CBP's Yuma Sector, and is referred to as DHS “Yuma Sector Project 1.”

12. I understand Sierra Club brought this litigation, in part, to challenge the government's unlawful construction of a border wall. I am participating in this case because DHS has announced it will soon begin wall construction in Yuma Sector Project 1. This construction and a completed wall would impede my ability to fish and otherwise enjoy the areas in Yuma along the border.

13. I plan to continue to fish in the canals and drive along levee roads as long as I am physically able.

I hereby declare under the penalty of perjury pursuant to the laws of the United States that the above is true and correct to the best of my knowledge.

Executed April 4th, 2019.



Albert Del Val

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Case No.: 4:19-cv-00892-HSG

**DECLARATION OF
CHRISTINA PATIÑO HOULE,
NETWORK WEAVER, EQUAL
VOICE NETWORK**

My name is Christina Patiño Houle and I declare:

1. I am over the age of eighteen, and I am competent to make this declaration. I provide this declaration based upon my personal knowledge. I would testify to the facts in this declaration under oath if called upon to do so.

2. I am the Network Weaver for the Rio Grande Valley Equal Voice Network, a coalition of nonprofit organizations in the Rio Grande Valley and the Texas regional anchor for the Southern Border Communities Coalition ("SBCC"). In addition, I am a member of SBCC's Steering Committee, helping to shape SBCC's priorities and strategies across the southern border. I have occupied both positions since 2017.

3. The Equal Voice Network was formed a decade ago to advocate for the community-development needs of families in the region. The Rio Grande Valley is one of the poorest regions in the United States. It has a number of health and environmental needs, including susceptibility to

flooding. It is over 90% Latinx, with several immigrant and mixed-status families. Many of these families live in *colonias*, or unincorporated towns.

4. We derive our priorities from the needs of the communities we serve and have six working groups with our coalition partners: Civic Engagement; Jobs and Economic Security; Education; Housing; Immigration; and Health Care. The working groups set strategic priorities and create plans of action, empowering communities to advocate for themselves at the local, state, and national levels. For example, our housing working group educates low-income communities about their rights and has empowered them to win basic necessities like street lighting, paved roads, and garbage collection. Because of the unincorporated status of *colonias*, advocacy may be onerous and occur piecemeal. However, we recently engaged communities to win a county-wide drainage bond to expand infrastructure in Hidalgo County. The Rio Grande Valley is highly susceptible to flooding, and poor and unincorporated communities in particular often cannot weather high-rain events. Improved flood-control infrastructure is critical to these communities' survival.

5. The declaration of a "national emergency" in our communities, the ongoing construction of a border wall, and the ever-present threat to build a wall without constitutional or congressional constraint has upended our organization's existing plans to serve and advocate for our communities. We are, in effect, developing an additional arm to the nonprofit, adding an additional mission component to our limited capacity.

6. Because the nature of our missions is profoundly affected by the new threat posed by the border wall, both SBCC and the Equal Voice Network must respond to the emergency declaration. Our communities live, work, and play in lands that are threatened with construction. In addition to displacing people from their homes, a wall and its underground foundation can make it difficult or impossible to run electricity or other utilities to communities; it can increase lands' susceptibility to flooding; and, because walls can be constructed miles inland, communities can be segregated from the United States. Border-wall construction threatens scarce green space. One of the first things the communities we work with want is access to a park, and the realities of the

development of this region are such that the area near the river, from the state and natural parks to smaller areas where communities gather and play, is the green space we have.

7. Our organization had previously secured limitations on wall construction that were critical to our communities and on which we relied. In 2018 I joined SBCC as part of one of multiple delegations to Washington, D.C. to communicate the impacts of the wall on our communities to lawmakers. Members of the Equal Voice Network joined two other delegations to Washington with SBCC in 2018 for the same purpose. The resulting political victory—Congress’s rejection of the President’s requested billions of dollars—still left some of our communities in harm’s way. But it also limited the amount the Department of Homeland Security could spend on the border wall, even in the Rio Grande Valley, protected key areas in our communities, and imposed consultation requirements on certain construction.

8. The President’s declaration of an “emergency” upended any comfort we had from Congress’s appropriation decision. The threats to our communities are constant and credible, and we have received no assurances. The communities we serve, our coalition partners, the media, city and elected officials depend on us to provide on-the-ground information and to resist new construction. My work—previously determined by our working groups, and including advocacy for increased access to bilingual education, organization of labor-worker cooperatives to fight for wage justice, and educating communities about the 2020 census—has been frustrated preparing to respond to stakeholders’ concerns, to identify and resist new, unlawful construction, and to counter the message about our communities being propagated by the President. I cannot provide the same level of feedback, oversight, coordination, or management to this work as I have provided in the past, and the rollout and reach of the work in these programs has been negatively impacted. We have been forced instead to defend our lands and communities from erasure.

9. We are constantly monitoring, researching, and responding to the “emergency” declaration and the construction it enables. In our citizenship classes, know-your-rights trainings, and community meetings, people ask whether there will be an increased military presence, and what

the “emergency” and military presence means for their rights. In our monthly housing working group meetings, the border wall, its location, and its timing are important issues to the communities we serve and are now standing agenda items. We respond to requests for information from city officials and chambers of commerce seeking to understand the scope of the “emergency” and what it means for our communities moving forward. We have devoted our time to remain prepared to respond to, protect, and educate the communities we serve, a feat that is complicated by a lack of transparency about the plans for construction. In our experience, notice, if any is given, comes too late for a meaningful response.

10. In addition, we continue to be forced to devote resources to respond to calls for information from media, city officials, and other stakeholders regarding the “emergency” and its impacts on border wall construction throughout Texas. We have granted requests to provide tours to groups wanting to see the “emergency” and the lands threatened by border-wall construction. The Equal Voice Network coordinates such tours with its coalition partners on a nearly weekly basis. Such coordination and tours require significant time. Given the size of the Texas border, travel alone can consume hours of our staff and partners’ time.

11. We have also been forced to organize and promote events to resist new construction. For example, we organized a protest in March 2019 when Secretary Nielsen and members of Congress were visiting the Rio Grande Valley to see the “emergency.” We planned the event with our partners, organized community members, arranged for carpools, prepared press statements, and coordinated speakers. This work consumed several days for me and for staff from our organizational partners.

12. We have worked to counter the “national emergency” declaration—its effort to militarize and wall off our communities—by promoting the truth about our communities. After the President’s declaration, we held an internal discussion as to how best to respond. We determined that it was necessary to counter its message and goals by uplifting that we are a community that is safe, that supports migrants, that works well together and supports one another, that is worthy of

existence. Our communications strategist, Michelle Serrano, created a toolkit for journalists coming to the region so they report on it in a way that promotes the good work that is coming in the community, instead of amplifying and reifying the effort to paint and treat us as communities in crisis. Responding to the emergency has consumed and continues to consume a significant portion of Michelle's time that would otherwise be spent on our core organizational mission of affirmative advocacy for the communities we serve.

13. The Equal Voice Network is united by a vision of organizing our constituents into a local force to create lasting social and political change. A wall is an intervention into our communities that is the antithesis of what our communities and organizations are working towards, and the preparation for and reality of construction throughout the borderlands entrenches an incorrect and damaging narrative about our communities. Our community survival requires investment, development, and infrastructure, the pursuit of which is frustrated and hindered by the fireballs being thrown at us by our own government.

I hereby declare under the penalty of perjury pursuant to the laws of the United States that the above is true and correct to the best of my knowledge.

EXECUTED this 4 day of April, 2019.



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the Treasury, in his official capacity,

Defendants.

Case No.: 4:19-cv-00892-HSG

**DECLARATION OF ELIZABETH J.
WALSH**

My name is Elizabeth J. Walsh and I declare:

1. My name is Elizabeth J. Walsh. The facts set forth in this declaration are based on my personal knowledge. If called as a witness, I could and would testify competently to these facts. Any opinions contained in this declaration reflect my personal opinion and judgment.

2. I reside in El Paso, Texas near Sunland Park, New Mexico in close proximity to the United States-Mexico border.

3. I have been an active member of the Sierra Club since 1993 having served on a number of volunteer committees. For example, I was a national Sierra Club Board member from May 2012-2018, serving as fifth officer 2015-2016 and treasurer from May 2016-May 2018. I am currently the volunteer co-lead of the Our Wild America campaign, a member of the national Finance and Risk Management Board Advisory Committee, a member of the national Sierra

Club Wildlife & Endangered Species Activist Team (WESACT), the Executive Committee of the El Paso Regional Sierra Club Group, as well as actively working with the borderlands team. I have been involved in various advocacy and academic discussions, protests, and meetings regarding the border region, including being co-organizer of a Sierra Club Border Wall event hosted by the WESACT team in south Texas in 2008, and was the lead presenter on the Border Wall and Wildlife forum at the Universidad Autonoma de Ciudad Juarez in October 2008.

4. My professional career is dedicated to environmental issues. Since 1994, I have been a tenured professor in biological sciences at a Texas university. I moved to the area after completing my Ph.D. in Environmental Biology at the University of Nevada, Las Vegas.

5. My work and advocacy on behalf of wildlife in the border region goes back more than a decade. I was active in advocating for environmental and wildlife interests during prior border fencing projects under the George W. Bush administration in the early 2000s.

6. For more than fifteen years I have also co-hosted the Animal Concerns of Texas radio show on KTEP-El Paso, the El Paso National Public Radio affiliate. The show focuses on animal interests and issues, including environmental concerns and the impact on wildlife. I have frequently featured the impacts of the border wall on news segments of the show.

7. As part of my professional and academic work I routinely visit and study the border area immediately west of El Paso, Texas in New Mexico along Route 9 which parallels the border. It is my understanding that this is referred to as El Paso Sector Project 1. I supervise several ongoing and long-term biology studies in this area with graduate students on the aquatic diversity of ephemeral wetlands known locally as playas. I also study habitat fragmentation and population trends of several indigenous lizard species, *Uta stansburiana* and *Aspidoscelis marmorata*, in this same region.

8. In addition, I utilize this same area for recreational and non-professional purposes, primarily bird watching and hiking. This includes observing a wide range of species that call the border area their home, including road runners, scaled quail, Southwestern willow flycatcher, and other species. I visit the New Mexico and Texas border areas routinely as part of my bird watching activities, and have done so since I moved to El Paso in the early 1990s.

9. I am aware that President Trump declared a national emergency on February 15, 2019 in order to construct a border wall all along the U.S.-Mexico border. I understand that the U.S. Department of Homeland Security (DHS) intends to commence wall construction in its El Paso Sector which is adjacent to and in close proximity to where I lead biology studies with my students and where I frequently birdwatch and hike.

10. Border wall construction in the El Paso Sector, especially Project 1, would negatively impact the scientific playa studies I have overseen for many years because a wall could impede vital natural drainage patterns for the playas. Similarly, construction and maintenance of a border wall would continue to degrade the natural dynamic of the playa pools and their associated ecosystems.

11. Border wall construction would further fragment and degrade the lizard species' habitat I and my students have studied for many years.

12. I have personally observed the adverse impacts caused to wildlife by earlier border wall projects in Texas. I am also aware of scientific studies and other information demonstrating such adverse impacts, as well as the cascading negative ramifications to areas adjacent to barriers. These areas tend to have high levels of human disturbance, including roads, lighting, and removal of vegetation, which further expand negative impacts of barriers on wildlife populations. Thus, the adverse impact of wall construction in the El Paso Sector of New

Mexico will not just adversely impact my personal interests and ability to enjoy the wildlife in this area, but also my interest in enjoying and recreating in a large geographic zone in the El Paso Sector that I also routinely visit and intend to continue to visit in the future, including for scientific research as well as for wildlife watching and hiking.

13. I am also aware that barriers to wildlife movement exacerbate the current extinction threats posed by human-altered landscapes and human activities. Scientists warn that animals whose ranges will be halved by the border wall will be impeded in their ability to reproduce with other members of their species, thereby creating a shallower gene pool and heightening the chance of inbreeding.

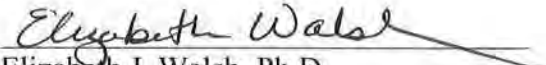
14. Based on my deep concerns about the negative environmental impacts associated with border wall construction near New Mexico Route 9 in the El Paso Sector, I am familiar with the litigation filed by the Sierra Club and other organizations which challenges DHS's unlawful construction of a border wall. As I understand it, DHS has announced it will commence construction in the El Paso Sector for Project 1.

15. I would object to the federal government's plans to construct a border wall in New Mexico's El Paso Sector without engaging in a thorough review of the impacts such construction would have on the local environment and on vulnerable species that live here. I am afraid the environmental devastation and loss of biodiversity will negatively impact my aesthetic enjoyment of borderlands wildlife. I am especially concerned about what will happen when so many species' habitats are fully and permanently bisected by an impermeable wall. The likely result—ecological devastation and likely regional extirpation of species—has made me worried and upset. This concern is magnified because the President has announced an intention to

construct along the entire southern border. My professional, aesthetic, and recreational interest in observing all wildlife as well as threatened and endangered species is also severely at risk.

16. If DHS constructs a wall in New Mexico's El Paso Sector, I will be injured professionally, aesthetically, recreationally, and morally, as set forth in the previous paragraphs of this declaration. The only way to redress these injuries is to declare the declaration of a national emergency invalid and enjoin construction of the wall.

Dated: April 3, 2019


Elizabeth J. Walsh, Ph.D.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO-OAKLAND DIVISION

SIERRA CLUB and SOUTHERN
BORDER COMMUNITIES COALITION,

Plaintiffs,

v.

DONALD J. TRUMP, President of the
United States, in his official capacity; PATRICK
M. SHANAHAN, Acting Secretary of Defense, in
his official capacity; KIRSTJEN M. NIELSEN,
Secretary of Homeland Security, in her official
capacity; and STEVEN MNUCHIN, Secretary of
the Treasury, in his official capacity,

Defendants.

Case No.: 4:19-cv-00892-HSG

**DECLARATION OF VICKI B.
GAUBECA, DIRECTOR, SOUTHERN
BORDER COMMUNITIES
COALITION**

My name is Vicki B. Gaubeca and I declare:

1. I am over the age of eighteen, and I am competent to make this declaration. I provide this declaration based upon my personal knowledge. I would testify to the facts in this declaration under oath if called upon to do so.
2. I am the Director of the Southern Border Communities Coalition ("SBCC") for Alliance San Diego, a community-empowerment organization and convener of SBCC focusing on human rights and inclusive democracy. I joined SBCC in 2017, became the interim director in March 2018, and have served as Director since June 2018.
3. SBCC brings together 60 organizations from California, Arizona, New Mexico, and Texas to fight for policies and solutions that improve quality of life in border communities. Formed in March 2011, SBCC's membership spans the borderlands from California to Texas. The communities we serve are as diverse as our geographies, and include community, environmental,

immigrant-rights, human-rights, faith, direct-service and labor groups. We are united to amplify the voices of border communities.

4. The border is a place of encounter, hope, and opportunity. The southern border region is home to about 15 million people, and one of the most diverse, economically vibrant, and safest regions of the country. SBCC's principal goals are to protect human rights, dignity, and safety against increasingly unaccountable border law enforcement, and to promote rational and humane immigration policies affecting the border region. In furtherance of these goals, SBCC engages in oversight of U.S. Customs and Border Protection and its components, including Border Patrol, and advocates for accountability and transparency in the government policies and practices that impact border communities.

5. A border wall, as physical structure and symbol, is contrary to the goals of SBCC and the needs of border communities. Instead of revitalizing our communities, it is the culmination of a campaign to militarize the border region and generate fear among the communities that live there. Since 2017, SBCC has worked to promote the voices of our communities, including against the construction of a border wall, in the appropriations process in Congress. We believe legislators are accountable to constituents, and funding for the number of boots on the ground, detention beds, and miles of border wall in our communities can be shaped to reflect positive values at the border. When the Administration's proposed policies of harsh enforcement are out of sync with our values as a nation and as border communities, we use the democratic process to push back. Through the appropriations process, SBCC pushed back on the proposed appropriation of \$25 billion to build a wall in Fiscal Year 2018, and \$5.7 billion in Fiscal Year 2019. The appropriations process provided a forum for SBCC and its members to speak, and the Consolidated Appropriations Act in 2019 reflected our input on the amount, location, and requirements of new border-wall construction in our communities better than the much greater requested allocation would have.

6. The "national emergency" declaration shattered the security we obtained through the democratic appropriations process. SBCC cannot ignore the threat and reality of the diversion of

billions of dollars to build a wall, amplified by persistent statements by the President and his administration that hundreds of miles are going to be built this year alone.

7. SBCC, as well as our member organizations, has been forced to devote substantial time to analyze and respond to the declaration and the promise to build border walls across the southern border. I and several SBCC and member staff, including Andrea Guerrero, the Executive Director of Alliance San Diego and SBCC Co-Chair, Hiram Soto, our Communications Director, and a team of communications assistants, have spent the *majority* of our time analyzing and responding to the declaration, at a substantial monetary and opportunity cost to SBCC.

8. The increased time is due, in large part, to the delimited geography of threatened construction and the willingness to circumvent prior processes. SBCC has been forced to respond to an unprecedented volume of inquiries from members, media, and elected officials about the “emergency” and its current and coming impacts, which in turn has required that SBCC devote substantial time to analyze the declaration, monitor developments, and rapidly respond. To educate our members and the public about the current status, SBCC has created materials to reflect the uncertain impact of the declaration and the diversion of funds, developed and distributed social-media kits to SBCC members and national allies, and conducted trainings for staff and partners to speak about the emergency and fight against delimited construction in their communities.

9. The time spent is not only exponentially greater than that spent resisting the border wall prior to the declaration; it is qualitatively different from our prior advocacy against the border wall. The Trump Administration has communicated that it intends to take money from the budget and redirect it to fulfill a campaign promise to build a contiguous border wall, without consideration of community input. There is often little or no notice of the plans to build until the process of construction begins in the community. A border wall carries significant risks for local environments and protected and endangered species. It threatens historical and cultural treasures along the entire border. And the symbol of the wall entrenches a narrative SBCC believes is dangerous by imposing division into our communities, fostering hate of immigrants and others, and undermining SBCC’s

community and economic-development goals.

10. The emergency declaration and the threat and reality of construction have caused us to reduce the time we spend on our core projects, including public education about border policies, community engagement on local issues, and affirmative advocacy for Border Patrol accountability and immigration reform. That work—for example, forming alliances with criminal justice groups to advocate for those policy initiatives that increase law-enforcement accountability, is our bailiwick. We have been forced to prioritize the emergency declaration and the border wall construction it enables because we have seen that the effects of a wall, once built, are irreversible—relationships between sister cities are divided; communities are economically disaffected; increased flooding makes lands uninhabitable; endangered species are imperiled; sacred sites are destroyed; and a monument to hate is erected.

11. Though the emergency declaration and diversion of funds delimit construction, forcing SBCC to be reactive, SBCC has worked tirelessly to proactively counter the narrative of “emergency” that is being thrust on our communities. Migration is not an emergency, but the failure of leadership to manage it in a humane way is traumatizing. A wall will not resolve this failure; it will displace us. SBCC has responded to questions from congressional offices about the scope and impact of the emergency declaration, educated and empowered local elected officials and community members to hold the Administration accountable to border communities, and worked with partners to support grassroots movements and protests to push back on unjust actions that take our land and cause us harm. SBCC has also produced and distributed videos and other multimedia content on the inaccurate portrayal of border communities to counter the message of the emergency declaration and convey the harm that will be caused by more walls.

12. The goal of this work is to empower communities and elected officials against efforts of the Administration to disenfranchise border communities through its unilateral determination of where, when, and on what terms to build. The work will continue until our voices prevail, and democratic limits are re-imposed on the construction in our communities.

I hereby declare under the penalty of perjury pursuant to the laws of the United States that the above is true and correct to the best of my knowledge.

EXECUTED this 4th day of April, 2019.

A handwritten signature in black ink, appearing to read "Vick B. Gaubeca", with a long horizontal line extending to the right.